

**SUPREME COURT MINUTES  
WEDNESDAY, MAY 18, 2005  
SAN FRANCISCO, CALIFORNIA**

**S035367**

PEOPLE v. HARRISON (CEDRIC)  
Rehearing denied

Petition for rehearing denied.

**S045504**

PEOPLE v. PANAH (HOOMAN A.)  
Rehearing denied

Petition for rehearing denied.

**S113275**

A097560 First Appellate District,  
Division One

CAMPBELL v. U.C. REGENTS  
Rehearing denied

**S125643**

A101754 First Appellate District,  
Division Five

M. (K.) v. G. (E.)  
Request for extended media coverage granted

Request for media coverage, filed May 16, 2005,  
is granted, subject to the conditions set forth in  
rule 980, California Rules of Court.

**S125912**

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)  
Request for extended media coverage granted

Request for extended media coverage, filed  
May 16, 2005, is granted, subject to the  
conditions set forth in rule 980, California Rules  
of Court.

**S126945**

B167799 Second Appellate District,  
Division Three

H. (KRISTINE) v. R. (LISA)  
Request for extended media coverage granted

Request for media coverage, filed May 16, 2005,  
is granted, subject to the conditions set forth in  
rule 980, California Rules of Court.

**S132191**

G033102 Fourth Appellate District,  
Division Three

MORAN v. MURTAUGH MILLER MEYER & NEL  
Petition for review granted; issues limited

The issue to be briefed and argued is limited to the following: In assessing whether a vexatious litigant has failed to demonstrate a reasonable probability of success on his or her claim and should be ordered to furnish security before proceeding (see Code Civ. Proc., § 391.3), is the trial court permitted to weigh the plaintiff's evidence, or must the court assume as true all facts alleged in the complaint and determine only whether the plaintiff's claim is foreclosed as a matter of law?

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, and Brown, JJ.

**S132251**

E035868 Fourth Appellate District,  
Division Two

MT. SAN JACINTO COMMUNITY COLLEGE v. S.C.  
(AZUSA PACIFIC UNIVERSITY)  
Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S132496**

A105287 First Appellate District,  
Division Three

TROPPMAN v. GOURLEY  
Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S130080**

H026000 Sixth Appellate District

PEOPLE v. TRUJILLO  
Briefing ordered in previously Held case

The petition for review in this matter was granted on February 16, 2005, and further action was deferred pending consideration and disposition of a related issue in *People v. Samples*, S112201, or pending further order of this court. At that time, the submission of additional briefing was also deferred pending further order of this court.

Defendant is now directed to serve and file on or before June 17, 2005 a Brief on the Merits

addressing whether the People can appeal under Penal Code section 1238, subdivision (a) the trial court's order finding the alleged prior conviction is "not a strike." Additional briefing is to be served and filed in a timely fashion. (See rule 29.1(a), Cal Rules of Court.)

**S131641**

E035085 Fourth Appellate District,  
Division Two

KIBLER v. NORTHERN INYO COUNTY LOCAL  
HOSPITAL DISTRICT  
Issues ordered limited

Review was granted in this matter on April 27, 2005. The issue to be briefed and argued is limited to the following: Is an action arising out of the hospital peer review mandated by Business and Professions Code section 809, subdivision (a)(8) subject to a special motion to strike under the anti-SLAPP statute (Code Civ. Proc. § 425.16, subd. (e))?

**S132433**

B172981 Second Appellate District,  
Division Five

BRANICK v. DOWNEY SAVINGS & LOAN  
Additional issues ordered

The court directs the parties to brief, in addition to the issue designated in its order of April 27, 2005, the following issue: Does Business and Professions Code section 17204 (as amended by Prop. 64, Gen. Elec. (Nov. 2, 2004)), which limits standing to bring an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) to "any person who has suffered injury in fact and has lost money or property as a result of such unfair competition" (*id.*, § 17204), apply to actions filed before November 3, 2004, the date on which Proposition 64 took effect?

**S112201**

D039196 Fourth Appellate District,  
Division One

PEOPLE v. SAMPLES  
Order filed: case held pending decision in another case

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Trujillo*, S130080 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further

order of this court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

**S131874**

D043099 Fourth Appellate District,  
Division One

**O'MEARA v. PALOMAR-POMERADO HEALTH**

Order filed: case held pending decision in another case

Further action in this matter is deferred pending consideration and disposition of a related issue in *Kibler v. Northern Inyo County Local Hospital District*, S131641 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

**S132221**

F044592 Fifth Appellate District

**PEOPLE v. STANKEWITZ**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S132795**

B173037 Second Appellate District,  
Division Four

**PEOPLE v. DAVIE**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing,

pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

**S133007**

B175088 Second Appellate District,  
Division Four

**PEOPLE v. SOTO**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

**S133079**

H026596 Sixth Appellate District

**PEOPLE v. BIRREY**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

**S133876**

B182638 Second Appellate District,  
Division Two

**CIRCUS CIRCUS CASINOS v. S.C. (FELD)**

Review granted/briefing deferred (rule 29.1) - civil case

Application for stay and petition for review  
**GRANTED.**

Further action in this matter is deferred pending consideration and disposition of a

related issue in *Snowney v. Harrah's Entertainment Inc.*, S124286 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S113699**

G029531 Fourth Appellate District,  
Division Three

**MANDEL v. HOUSEHOLD BANK**

Dismissed per rule 29.3(b), and remanded to CA 4/3

Pursuant to the Notice of Settlement, filed April 5, 2005, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).).

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S120791**

A097298 First Appellate District,  
A096947 Division Two

**REGENTS OF THE UNIV OF CAL v. SSW INC.**

Dismissed per rule 29.3(b), and remanded to CA 1/2

In light of the decision in *Cronus Investments, Inc. v. Concierge Services* (2005) 35 Cal.4th 376, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S131788**

E033503 Fourth Appellate District,  
Division Two

**PEOPLE v. POSLOF**

Petition for review denied

**S131812**

B181060 Second Appellate District,  
Division Seven

**FEDERAL EXPRESS v. S.C. (FOSTER)**

Petition for review denied

**S131816**

C044026 Third Appellate District

**PEOPLE v. LYNOTT**

Petition for review & publication request denied

**S131861**

G029811 Fourth Appellate District,  
Division Three

CONSUMER ADVOCATES v. DIAMLERCHRYSLER  
CORPORATION

Petition for review & publication request denied

**S132038**

C049034 Third Appellate District

VINCENT (REX A.) ON H.C.

Petition for review denied

**S132073**

B181150 Second Appellate District,  
Division One

JACKSON (ROBERT) ON H.C.

Petition for review denied

**S132082**

B172190 Second Appellate District,  
Division One

STATE ex rel. BOWEN v. BANK OF AMERICA

Petition for review denied

Chin, J., was recused and did not participate.

**S132084**

C048993 Third Appellate District

REED (ALONZO) ON H.C.

Petition for review denied

**S132097**

E037550 Fourth Appellate District,  
Division Two

BOLLING (RONALD), IN RE

Petition for review denied

**S132108**

A102894 First Appellate District,  
A107371 Division Two

WILKINSON (TODD) ON H.C.

Petition for review denied

**S132128**

A109187 First Appellate District,  
Division Two

HAVEY (EDWARD) ON H.C.

Petition for review denied

**S132134**

A109229 First Appellate District,  
Division One

SIMMONS (MELVIN) ON H.C.

Petition for review denied

denied without prejudice to any relief to  
which defendant might be entitled after this  
court determines in *People v. Black*,  
S126182, and *People v. Towne*, S125677,

the effect of *Blakely v. Washington* (2004)  
\_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California  
law.

**S132150**  
G035061 Fourth Appellate District,  
Division Three

WILLS (JERRY) ON H.C.  
Petition for review denied

**S132155**  
A109290 First Appellate District,  
Division Four

WOODS (EARNEST) ON H.C.  
Petition for review denied

**S132166**  
B181190 Second Appellate District,  
Division Two

ALVAREZ (NICHOLAS) ON H.C.  
Petition for review denied

**S132173**  
B180350 Second Appellate District,  
Division Eight

CHINN (KOUNG H.) ON H.C.  
Petition for review denied

**S132175**  
F046984 Fifth Appellate District

OLDRIGHT (WILLIAM) ON H.C.  
Petition for review denied

**S132176**  
H026086 Sixth Appellate District

PEOPLE v. CASTILLO  
Petition for review denied

**S132218**  
F047438 Fifth Appellate District

ROLIN (GERALD LEE) ON H.C.  
Petition for review denied

**S132246**  
G035077 Fourth Appellate District,  
Division Three

PATTERSON (JODY D.) ON H.C.  
Petition for review denied

**S132272**  
C042532 Third Appellate District

PEOPLE v. JOHNSON  
Petition for review denied



**S132288**  
C045838 Third Appellate District

PEOPLE v. REAVIS  
Petition for review denied

**S132294**  
B172646 Second Appellate District,  
Division Three

KOBAYASHI v. ALEMAN  
Petition for review & publication request denied

**S132295**  
G032014 Fourth Appellate District,  
Division Three

PEOPLE v. MALDONADO  
Petition for review denied

**S132302**  
G033576 Fourth Appellate District,  
G028855 Division Three

ORANGE, COUNTY OF v. PINTO  
Petition for review denied

**S132316**  
C040014 Third Appellate District

PEOPLE v. BREWER  
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S132319**  
B181134 Second Appellate District,  
Division Two

HINKLES (CLABRON WILLIAM) ON H.C.  
Petition for review denied

Brown, J., was recused and did not participate.

**S132321**  
C043910 Third Appellate District

PEOPLE v. HOWIE  
Petition for review denied

**S132333**  
C044996 Third Appellate District

PEOPLE v. McELROY  
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S132339**

D042384 Fourth Appellate District,  
Division One

## PEOPLE v. PASILLAS

Petition for review denied

**S132343**

F045747 Fifth Appellate District

## C. (CARLOS), IN RE

Petition for review denied

**S132346**

B167778 Second Appellate District,  
Division Two

## PEOPLE v. PURVIS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S132356**

A103269 First Appellate District,  
A105131 Division Three

## SOLANO, COUNTY OF v. LIONSGATE CORP.

Petition for review denied

**S132388**

B172002 Second Appellate District,  
Division Four

## PEOPLE v. FILER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S132398**

B159950 Second Appellate District,  
B165095 Division Eight,

## CALTEX PLASTICS v. FRIEDMAN

Petition for review denied

**S132410**

G031266 Fourth Appellate District,  
Division Three

## PEOPLE v. ABHYANKAR

Petition for review denied

**S132413**

E033792 Fourth Appellate District,  
Division Two

## PEOPLE v. DAWOOD

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S132414**

E033976 Fourth Appellate District,  
Division Two

## PEOPLE v. CALLES

Petition for review denied

**S132418**

D042983 Fourth Appellate District,  
Division One

## PEOPLE v. GUERRERO

Petition for review denied

**S132431**

D043159 Fourth Appellate District,  
Division One

## PEOPLE v. RUCKER

Petition for review denied

**S132432**

E035754 Fourth Appellate District,  
Division Two

## MKA CAPITAL GROUP v. DARLING

Petition for review denied

**S132438**

C045373 Third Appellate District

UNNAMED PHYSICIAN v. ENLOE MEDICAL  
CENTER

Petition for review & publication request denied

**S132451**

D044371 Fourth Appellate District,  
Division One

## K., MARRIAGE OF

Petition for review denied

**S132453**

F043364 Fifth Appellate District

## PEOPLE v. KEEL

Petition for review denied

**S132463**

F045780 Fifth Appellate District

## KERN COUNTY EMPLOYEES ASSN. v. BELLINO

Petition for review denied

**S132465**  
C046317 Third Appellate District

WYCHOFF v. NUGENT  
Petition for review denied

**S132493**  
B170133 Second Appellate District,  
Division Seven

VASILOVICH v. BLANEY  
Petition for review denied

**S132503**  
C045923 Third Appellate District

PEOPLE v. BROWN  
Petition for review denied

**S132509**  
E037664 Fourth Appellate District,  
Division Two

CONSTANT v. S.C. (PEOPLE)  
Petition for review denied

**S132513**  
A105824 First Appellate District,  
Division Five

BULLETTI v. HOME DEPOT  
Petition for review denied

Chin, J., was recused and did not participate.

**S132525**  
A102605 First Appellate District,  
Division Three

OLSON v. METALCLAD INSULATION CORP.  
Petition for review denied

**S132530**  
E035420 Fourth Appellate District,  
Division Two

PEOPLE v. PORTWOOD  
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S132554**  
A107912 First Appellate District,  
Division One

H. (E.), GUARDIANSHIP OF  
Petition for review denied

**S132577**  
A105827 First Appellate District,  
Division Three

H. (E.), IN RE  
Petition for review denied

**S132594**

A098529 First Appellate District,  
Division One

## RAF ENTERPRISES v. TRIDENT

Petition for review denied

**S132612**

B170926 Second Appellate District,  
Division Eight

## NORTHRIDGE EARTHQUAKE LITIGATION

Petition for review denied

Chin, J., was recused and did not participate.

**S132634**

B175464 Second Appellate District,  
Division Six

## KASSOY v. PATTERSON

Petition for review denied

**S132648**

B177958 Second Appellate District,  
Division Six

## PEOPLE v. RAMOS

Petition for review denied

**S132681**

B164004 Second Appellate District,  
Division Eight

## BOUTON v. WING

Petition for review denied

**S132697**

B164803 Second Appellate District,  
Division Eight

## CURLAND, ESTATE OF

Petition for review denied

**S132714**

G033665 Fourth Appellate District,  
Division Three

## PEOPLE v. MCNAIR

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S132752**

A105125 First Appellate District,  
Division One

## REGENTS, UNIVERSITY OF CAL v. WILIBY

Petition for review denied

**S132756**

B179592 Second Appellate District,  
Division Five

JOHN V. v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S132769**

A100310 First Appellate District,  
Division Four

DIXON v. CITY OF LIVERMORE

Petition for review denied

Request for judicial notice granted.

**S132779**

A104946 First Appellate District,  
A105134 Division One

JOSEPH v. SAN FRANCISCO HOUSING AUTHORI

Petition for review denied

**S132815**

D045805 Fourth Appellate District,  
Division One

HOLLOWAY v. S.C. (PEOPLE)

Petition for review denied

**S132884**

C045751 Third Appellate District

PEOPLE v. BARTEE

Petition for review denied

**S132922**

F044340 Fifth Appellate District

PEOPLE v. MELGOZA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S132923**

D043337 Fourth Appellate District,  
Division One

PEOPLE v. HAISHA

Petition for review denied

**S132924**

A107957 First Appellate District,  
Division One

PEOPLE v. KING

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and

*People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S132926**

F043924 Fifth Appellate District

## PEOPLE v. RHODES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S132934**

H027689 Sixth Appellate District

## PEOPLE v. MANSFIELD

Petition for review denied

**S132952**D044429 Fourth Appellate District,  
Division One

## PEOPLE v. HOPKINS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S132954**A105268 First Appellate District,  
Division One

## PEOPLE v. SMITH

Petition for review denied

**S132957**B176689 Second Appellate District,  
Division One

## R. (JILLIAN), IN RE

Petition for review denied

**S132958**B169845 Second Appellate District,  
Division Three

## PEOPLE v. CASTRO

Petition for review denied

**S132960**

A102157 First Appellate District,  
Division Three

## PEOPLE v. SULLIVAN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S132967**

A104453 First Appellate District,  
Division One

## PEOPLE v. KING

Petition for review denied

**S132968**

C045537 Third Appellate District

## PEOPLE v. WRIGHT

Petition for review denied

**S132970**

F043806 Fifth Appellate District

## PEOPLE v. GROVES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

**S132974**

C046598 Third Appellate District

## WILKES v. WILKES

Petition for review denied

**S132979**

F043732 Fifth Appellate District

## PEOPLE v. WILLIAMS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.



**S132983**

B172421 Second Appellate District,  
Division Seven

M. (ERICA), IN RE

Petition for review denied

**S132985**

B174140 Second Appellate District,  
Division Six

PEOPLE v. ROBINSON

Petition for review denied

**S132987**

C046588 Third Appellate District

PEOPLE v. GUTIERREZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S132990**

B171487 Second Appellate District,  
Division Six

GARCIA v. ASPHALT EQUIPMENT & SERVICE

Petition for review denied

**S133002**

F045175 Fifth Appellate District

PEOPLE v. JAMES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S133003**

F044824 Fifth Appellate District

PEOPLE v. SAN MIGUEL

Petition for review denied

**S133004**

B168295 Second Appellate District,  
Division Eight

PEOPLE v. THOMAS

Petition for review denied

**S133010**

E036828 Fourth Appellate District,  
Division Two

C. (J.), IN RE

Petition for review denied

**S133011**

B170611 Second Appellate District,  
Division Six

PEOPLE v. SOMMERS

Petition for review denied

**S133015**

F046759 Fifth Appellate District

S. (JULIAN), IN RE

Petition for review denied

**S133016**

F044016 Fifth Appellate District

PEOPLE v. VONKAGELER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

**S133021**

B175080 Second Appellate District,  
Division One

RODRIGUEZ v. CITY OF LOS ANGELES

Petition for review denied

**S133027**

A104527 First Appellate District,  
Division Two

PEOPLE v. JELKS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S133028**

E035892 Fourth Appellate District,  
Division Two

PEOPLE v. BUTTERBREDT

Petition for review denied

denied without prejudice to any relief to which

defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S133037**

D043783 Fourth Appellate District,  
Division One

## VELASQUEZ v. FILMEX, INC.

Petition for review denied

**S133043**

C044412 Third Appellate District

## PEOPLE v. KETCHUM

Petition for review denied

**S133044**

F044962 Fifth Appellate District

## PEOPLE v. ORTEGA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

**S133045**

F045002 Fifth Appellate District

## PEOPLE v. SOLORIO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S133046**

C048172 Third Appellate District

## B. (J.), IN RE

Petition for review denied

**S133059**

F044325 Fifth Appellate District

## PEOPLE v. MEDINA

Petition for review denied

**S133064**

F045370 Fifth Appellate District

## PEOPLE v. GODFREY

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S133065**

F041763 Fifth Appellate District

## PEOPLE v. HAAG

Petition for review denied

Baxter, J., was recused and did not participate.

**S133068**E035142 Fourth Appellate District,  
Division Two

## HOLLEY v. PRUITT

Petition for review denied

**S133070**B168104 Second Appellate District,  
Division Two

## BARDOWELL v. DAVIDIAN

Petition for review denied

**S133071**E034477 Fourth Appellate District,  
Division Two

## PEOPLE v. ESTRADA

Petition for review denied

**S133072**

F044854 Fifth Appellate District

## PEOPLE v. MARTINEZ

Petition for review denied

**S133080**A105917 First Appellate District,  
Division Five

## PEOPLE v. HOFFMAN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S133082**

F043132 Fifth Appellate District

## PEOPLE v. ESQUIBEL

Petition for review denied

**S133089**B173047 Second Appellate District,  
Division Three

## PEOPLE v. NASH

Petition for review denied

**S133098**

F045240 Fifth Appellate District

## PEOPLE v. MAXWELL

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S133099**

F044369 Fifth Appellate District

## PEOPLE v. GIBSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S.\_\_ 124 S.Ct. 2531, on California law.

**S133107**E037789 Fourth Appellate District,  
Division Two

## HERNANDEZ v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S133115**B175599 Second Appellate District,  
Division Four

## PEOPLE v. MOGHIM

Petition for review denied

**S133124**B182120 Second Appellate District,  
Division One

## WARD v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S133127**

E037790 Fourth Appellate District,  
Division Two

## AGUIRRE v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S133135**

B173332 Second Appellate District,  
Division Eight

## PEOPLE v. RAMIREZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S133136**

B172151 Second Appellate District,  
Division Two

## PEOPLE v. NGUYEN

Petition for review denied

**S133159**

B176279 Second Appellate District,  
Division Six

## PEOPLE v. FLOWERS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S133171**

E034900 Fourth Appellate District,  
E035878 Division Two

## SPIRTOS, ESTATE OF

Petition for review denied

**S133242**

H026742 Sixth Appellate District

## PEOPLE v. AGIN

Petition for review denied

**S133277**

E035419 Fourth Appellate District,  
Division Two

## DAHLAN v. CRESTMONT HOMEOWNERS

Petition for review denied

**S133384**

## HAHN v. C.A. (PEOPLE)

Petition for writ of mandate/prohibition denied

**S133392**MONTGOMERY v. CA 2 (COUNTY OF LOS)  
Petition for writ of mandate/prohibition denied**S133393**B182269 Second Appellate District,  
Division SevenFOTHERINGHAM v. S.C. (AVERY DENNISON)  
Petition for review deniedRequest for judicial notice denied.  
Motion to strike petition for review and notice of  
errata denied.  
Petition for review DENIED.**S133500**B181557 Second Appellate District,  
Division ThreeFREMONT GENERAL CORPORATION v. S.C.  
(FREMONT INDEMNITY CO.)  
Petition for review and application for stay denied**S133628**E037897 Fourth Appellate District,  
Division TwoCONSTANT v. S.C. (CONSTANT)  
Petition for review and application for stay denied**S133659**SMITH v. S.C. (PEOPLE)  
Petition for writ of mandate/prohibition denied**S133722**A109742 First Appellate District,  
Division TwoSINGLETON v. SC (PEOPLE)  
Petition for review and application for stay denied**S133796**

H028759 Sixth Appellate District

NAGAH (REZA) ON H.C.  
Petition for review and application for stay denied**S125532**McCLELLAN (RICK L.) ON H.C.  
Petition for writ of habeas corpus denied**S125569**ROGERS (ROBERT WAYNE) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Dixon*  
(1953) 41 Cal.2d 756.)

**S125575**

RASH (DOUGLAS A.) ON H.C.  
Petition for writ of habeas corpus denied

**S125578**

CALDERON (CIPRIANO A.) ON H.C.  
Petition for writ of habeas corpus denied

**S125587**

VASQUEZ (ALEJANDRO) ON H.C.  
Petition for writ of habeas corpus denied

**S125689**

NAVA (FABIAN) ON H.C.  
Petition for writ of habeas corpus denied

**S125700**

CHARLES (ISIBOR) ON H.C.  
Petition for writ of habeas corpus denied

**S125730**

WILLIAMSON (DARIUS) ON H.C.  
Petition for writ of habeas corpus denied

**S125771**

ENRIQUEZ (DAVID) ON H.C.  
Petition for writ of habeas corpus denied

**S125846**

SESMA (RICARDO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S125861**

PERRY (KEVIN T.) ON H.C.  
Petition for writ of habeas corpus denied

**S125867**

SCHELL (TERRY PAUL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S125868**

POWELL (TRENTON) ON H.C.  
Petition for writ of habeas corpus denied



**S125870**

UVALLES (RAUL) ON H.C.  
Petition for writ of habeas corpus denied

**S125871**

CHARLES (LEONARD V.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S125872**

RODRIGUEZ (TIMOTHY J.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S125873**

HUDSON (MARCUS L.) ON H.C.  
Petition for writ of habeas corpus denied

**S125875**

HUNT (VICTOR) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S125876**

McGEE (BILLY W.) ON H.C.  
Petition for writ of habeas corpus denied

**S125879**

LOPEZ (ANDREW) ON H.C.  
Petition for writ of habeas corpus denied

**S125880**

JENNINGS (TIMOTHY M.) ON H.C.  
Petition for writ of habeas corpus denied

**S125885**

RICKS (ROBERT E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

**S125905**

DIXON (TERRY E.) ON H.C.  
Petition for writ of habeas corpus denied

**S125920**

ROSS (MONROE R.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S125925**

NASIRICHAMPANG (SOMCHIT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

**S125931**

MAIDEN (ALVIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S125933**

HERNANDEZ (CHRISTIAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S125935**

THOMPSON (THEORPHIS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S125947**

WALLACE (NATHANIEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S125959**

MCKINNEY (GREGORY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S125964**

ALCARAZ (JUAN CARLOS) ON H.C.  
Petition for writ of habeas corpus denied

**S125967**

WARD (KEVIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S125976**

TRIPP (LONNIE D.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S125977**

RAMOS (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

**S125979**

WOODS (CORDELL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S126012**

LEE (STEVEN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

**S126015**

HUBBARD (LOREN) ON H.C.  
Petition for writ of habeas corpus denied

**S126058**

BARKER (PERCY BENNIE) ON H.C.  
Petition for writ of habeas corpus denied

**S126063**

REED (ROGER L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S126064**

ALFORD (RICKEY L) ON H.C.  
Petition for writ of habeas corpus denied

**S126070**

USSERY (RONALD) ON H.C.  
Petition for writ of habeas corpus denied

**S126073**

JACKSON (ANDRE L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S126076**

JAMERSON (KEITH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

**S126079**

TORRES (JAVIER M.) ON H.C.  
Petition for writ of habeas corpus denied

**S126090**

LESTER (TERRY L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S126218**

MATA (WILFREDO A.) ON H.C.  
Petition for writ of habeas corpus denied

**S126221**

MONGER (STEVEN) ON H.C.  
Petition for writ of habeas corpus denied

**S126236**

HORN (ELLIOTT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S126251**

TILLET (URIAH A.) ON H.C.  
Petition for writ of habeas corpus denied

**S126257**

GIBSON (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Swain*  
(1949) 34 Cal.2d 300, 304.)

**S126827**

LEE (STEVEN) ON H.C.  
Petition for writ of habeas corpus denied

**S127882**

JAMERSON (KEITH) ON H.C.  
Petition for writ of habeas corpus denied

**S128112**

NAVA (FABIAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Dixon*  
(1953) 41 Cal.2d 756.)

**S128975**

PERRY (KEVIN T.) ON H.C.  
Petition for writ of habeas corpus denied

**S129284**

WALLACE (NATHANIEL D.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Robbins* (1998) 18 Cal.4th 770, 780.)

**S130084**

BARKER (PERCY) ON H.C.  
Petition for writ of habeas corpus denied

**S130974**

ACORD (RICHARD C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d  
240, 246.)

**S131218**

ALFORD (RICKEY) ON H.C.  
Petition for writ of habeas corpus denied

**S131269**

ALFORD (RICKEY) ON H.C.  
Petition for writ of habeas corpus denied

**S132257**

SMITH (REGINALD) ON H.C.  
Petition for writ of habeas corpus denied

**S132760**

JENKINS (JAMAL ALBERT) ON H.C.  
Petition for writ of habeas corpus denied

(See *Sherwood v. Superior Court* (1979) 24  
Cal.3d 183, 186-187; *People v. Duvall* (1995) 9  
Cal.4th 464, 474

**S133212**

WHITTINGTON (TERRI ANN) ON H.C.  
Petition for writ of habeas corpus denied

**S133248**

BALLARD (DEQUON) ON H.C.  
Petition for writ of habeas corpus denied

**S133276**

LOMELI (MIGUEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S133367**

SMITH (DENNIS JAMES) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re  
Robbins* (1998) 18 Cal.4th 770, 780.)

**S133410**

BALLARD (DEQUON) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S131397**

B172127 Second Appellate District,  
Division Five

TELLEZ-CORDOVA v. CAMPBELL-HAUSFELD/  
SCOTT FETZGER COMPANY  
Publication ordered (case closed)

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Official Reports. (See rule 978(c)(2), California Rules of Court.)

**S127776**

B164111 Second Appellate District,  
Division Three

WILLIAMS v. HOUSING AUTHORITY OF THE  
CITY OF LOS ANGELES  
Depublication requests denied (case closed)

**S130641**

C044254 Third Appellate District

THOMPSON v. COPPER COVE UNIT 8A OWNERS  
Publication request denied (case closed)

**S131946**

B161902 Second Appellate District,  
Division Three

CENTRAL VALLEY GENERAL HOSPITAL v.  
BONTA, as DIRECTOR DEPT. HEALTH SERVICES  
Publication request denied (case closed)

**S132061**

G033641 Fourth Appellate District,  
Division Three

OLEN COMMERCIAL REALTY v. COUNTY OF  
ORANGE  
Depublication request denied (case closed)

**S029843**

PEOPLE v. BECK & CRUZ  
Extension of time granted

to July 22, 2005 to file appellant CRUZ's opening brief. After that date, only seven further extensions totaling about 400 additional days will be granted. Extension is granted based upon Deputy State Public Defender William Lowe's representation that he anticipates filing that brief by September 1, 2006.

**S035190**

PEOPLE v. HOUSTON (ERIC C.)  
Extension of time granted

to July 15, 2005 to file appellant's opening

brief. After that date, only seven further extensions totaling about 405 additional days will be granted. Extension granted based upon counsel David H. Schwartz's representation that he anticipates filing the brief by 9-1-2006.

**S050102**

PEOPLE v. HENSLEY (PAUL L.)  
Extension of time granted

to July 19, 2005 to file appellant's opening brief. After that date, only six further extensions totaling about 340 additional days will be granted. Counsel is ordered to inform his assisting entity of this schedule, and to take all steps necessary to meet it.

**S053228**

PEOPLE v. ALEXANDER (ANDRE STEPHEN)  
Extension of time granted

to July 20, 2005 to file reply brief. After that date, no further extension is contemplated. Extension granted based upon Deputy State Public Defender Susan Ten Kwan's representation that she anticipates filing the brief by 7-20-2005.

**S058025**

PEOPLE v. FOSTER (RICHARD D.)  
Extension of time granted

to July 12, 2005 to file respondent's brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension granted based upon Deputy AG Susan E. Miller's representation that she anticipates filing the brief by 9-9-2005.

**S074804**

PEOPLE v. HARTSCH (CISCO)  
Extension of time granted

to July 19, 2005 to file appellant's opening brief. After that date, only three further extensions totaling about 135 additional days will be granted. Extension is granted based



upon Deputy State Public Defender William Hassler's representation that he anticipates filing that brief by November 30, 2005.

**S080054**

PEOPLE v. LINTON (DANIEL A.)  
Extension of time granted

to July 15, 2005 to file appellant's opening brief.

**S125276**

HINTON (ERIC LAMONT) ON H.C.  
Extension of time granted

to June 15, 2005 to file reply to informal response. After that date, only two further extensions totaling about 60 additional days will be granted. Extension granted based upon counsel Jay L. Lichtman's representation that he anticipates filing the document by 8-12-2005.

**S128008**

WILLIAMS (DEXTER W.) ON H.C.  
Extension of time granted

to June 13, 2005 to file reply to informal response. After that date, only five further extensions totaling about 150 additional days will be granted. Extension granted based upon counsel Chuck Nacsin's representation that he anticipates filing the document by 11-13-2005.

**S130598**

GAY (KENNETH) ON H.C.  
Extension of time granted

to June 15, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extensions totaling about 30 additional days will be granted. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by July 15, 2005.

**S130722**

RUNDLE (DAVID) ON H.C.  
Extension of time granted

to June 20, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Michael P. Farrell's representation that he anticipates filing that document by August 17, 2005.

**S131578**

SCHMECK (MARK) ON H.C.  
Extension of time granted

to June 22, 2005 to file informal response. After that date, only seven further extensions totaling about 210 additional days will be granted. Extension granted based upon Deputy AG Violet M. Lee's representation that she anticipates filing the document by 1-24-2006.

**S131664**

C045534 Third Appellate District

REIGELSPERGER v. SILLER  
Extension of time granted

to June 13, 2005 to file appellant's opening brief on the merits. No further extensions will be granted.

**S058734**

PEOPLE v. HOLMES, MCCLAIN & NEWBORN  
Record augmentation granted in part/denied in part

Appellant McClain's "Motion to Vacate Certification or, in the Alternative, To Correct, Augment, and Settle the Record on Appeal," filed January 18, 2005, is granted in part and denied in part.

To the extent the motion seeks to augment the record to include a minute order dated May 9, 1994, regarding the amendment of dates of indictment of codefendant Bowen, a minute order dated May 9, 1994, regarding the amendments of dates on indictment of codefendant Bailey, and a motion filed pursuant

to Penal Code section 995 by codefendant Bowen on February 21, 1995, as set forth on page 8 of the motion, the motion is granted. The clerk of the Superior Court of Los Angeles is directed to prepare a supplemental clerk's transcript to include these three documents.

To the extent that the motion seeks correction and settlement in the superior court with regard to exhibit 11 referred to on page 272-C in the clerk's transcript, and exhibits 18/18-A, 22/22-A, 22-C/22-C-1, 28/28-A, 47-A/47-A-1, 47-B, 76/76-A, 77, and H/H-1 in the reporter's transcript, as set forth on pages 17–19 of the motion, the motion is granted. The clerk of this court is directed to transmit volumes II and III of the clerk's transcript, and volumes 16, 17, 18, 19, 24, 26, 30, and 31 of the reporter's transcript, and the master index of the reporter's transcript of the original record on appeal to the clerk of the superior court. The superior court is directed to conduct a hearing or hearings to correct and settle the record with regard to the exhibits as requested in the motion; to order such corrections as may be necessary; to order the preparation of clerk's and reporter's transcripts relating to the hearing or hearings conducted; to provide each of the parties an opportunity to review any such corrections and any such clerk's and reporter's transcripts; and to make the certification required by Rule 35.1(d) of the California Rules of Court, to be completed on or before June 30, 2005. The clerk of the superior court is directed to transmit to this court the original of the clerk's and reporter's transcripts relating to any hearing or hearings conducted and any corrections or settled statements ordered, and to retransmit to this court the original of the record on appeal, within 10 days of the certification required by rule 35.1(d).

In all other respects the motion is denied.

On the court's own motion, the clerk of the superior court is directed to supplement the record to include pages 559–568 of the clerk's transcript, volume III, currently missing from the record.

S068230

PEOPLE v. BUTLER (RAYMOND OSCAR)

Record augmentation granted in part/denied in part

Appellant's "Motion to Vacate Certification, or, in the Alternative, to Correct, Augment and Settle the Record," filed February 21, 2003, is granted insofar as it requests inclusion of the following items as part of the record "in the case" (Cal. Rules of Court, rule 34.1(a)(1)(C), (2)(C)), and the record is hereby ordered augmented to include all such items (*id.*, rule 36.1(c)):

All documents filed or lodged, and transcripts of all oral proceedings, in the municipal or superior courts pertaining to the joint trial of appellant Raymond Oscar Butler and codefendants Daniel Rivera and Paul Apollo Gornick, whether or not such matters relate specifically to appellant, and whether or not appellant and his counsel have had access to such documents or transcripts or were present at such proceedings.

The superior court is directed to cause supplemental clerk's and reporter's transcripts, containing any and all such items which were omitted from the record heretofore certified and transmitted by the superior court, to be prepared, certified, and transmitted to this court as an augmentation to the record. Documents filed under seal, and the transcripts of in camera proceedings from which one or more parties were excluded, shall be transmitted under seal, and copies shall be provided only to counsel for those parties who were present at the proceedings. (See Cal. Rules of Court, rule 34.1(b).) The superior court is directed to comply with this order by July 18, 2005. Upon certification and transmittal of the augmentation, appellant may seek from this court access to, or the unsealing of, any sealed materials.

Notwithstanding the foregoing, the supplemental transcripts comprising the augmentation shall not include trial exhibits, which are automatically part of the record, but shall be physically transmitted to the reviewing

court only as specifically requested by a party or the reviewing court (Cal. Rules of Court, rule 36.1(b)).

In the event that matters set forth in the augmentation raise additional issues on appeal, appropriate provision will be made for the briefing of such issues.

**S018815**

PEOPLE v. GURULE (RAYMOND ANTHONY)  
Order filed

Appellant's "Application for an Order Allowing Counsel to Inspect and Copy Sealed and Confidential Transcripts in the Record on Appeal," filed on March 22, 2005, is granted in part and denied in part.

Appellant's application is granted to the following extent: Appellant may inspect and copy guilt phase volume 7, pages 909–923 (sealed reporter's transcript of Aug. 2, 1989), second penalty phase volume 1, pages 6–8 (sealed reporter's transcript of Nov. 6, 1989), second penalty phase volume 3, pages 71–75 (sealed reporter's transcript of Jan. 24, 1990), the declarations of Richard Delman, Ph.D., Vincent J. O'Malley, Mindy Rosenberg, and Philip S. Barnett, all under the heading "Declaration re Necessity of Defendant Herein to Be Represented by Two Attorneys" (sealed documents filed Jan. 24, 1990), and a handwritten note from Gurule dated January 23, 1990 (sealed document filed Jan. 24, 1990). The clerk is directed to provide appellant with copies of the foregoing documents.

Appellant is further ordered not to use any such documents except in connection with the pending proceeding, *In re Raymond Anthony Gurule on Habeas Corpus* (S115250).

The clerk is directed to cause all such documents to remain under seal, except as provided herein.

In all other respects, appellant's application is denied.

**S122058**

C042437 Third Appellate District

STATE PERSONNEL BOARD v. CALIFORNIA  
STATE EMPLOYEES ASSOCIATION

Request for judicial notice granted

Plaintiffs' motion for judicial notice, filed March 25, 2004 is granted in part and denied in part, as follows: The motion is granted as to attachments B, C, and F. The motion is denied as to attachments A, D, and E.

Defendant's request for judicial notice, filed April 23, 2004, is denied.

Plaintiffs' second motion for judicial notice, filed May 19, 2004, is denied.

**S123344**A102790 First Appellate District,  
Division FiveGRAFTON PARTNERS v. S.C. (PRICEWATER-  
HOUSECOOPERS LLP)

Request for judicial notice granted

The requests for judicial notice filed by real party in interest on May 20, 2004, and August 27, 2004 are granted. The request for judicial notice filed by petitioners on July 7, 2004, is granted. (Evid. Code, §§ 451, 452.)

On December 6, 2004, real party in interest filed a motion to strike the declaration of D. Paul Regan submitted on behalf of petitioners on November 18, 2004 in support of petitioners' response to amicus curiae briefs. The motion is denied and the declaration of D. Paul Regan is ordered to be filed. (*Bily v. Arthur Young & Co.* (1992) 3 Cal.4th 370, 405, fn. 14.)

**S045504**

PEOPLE v. HOOMAN ASHKAN PANAH

Order filed

Court's 150-day statement

